

Appl. No. 09/876,482
Atty Docket No. CM2421
Response dated July 23, 2004
Reply to Office Action dated April 23, 2004

REMARKS

Claims 1 and 3-18 are now in the case.

Applicants have amended Claim 1 to add the presence of a surfactant in the composition. Support for this amendment is found, at least, on page 24, lines 17-18 of Applicants' specification.

Response to the Office Action

The Rejection under 35 U.S.C. 102 - Yurko

Claims 1 and 2-15 have been rejected under 35 U.S.C. 102(b), as being anticipated by U.S. Patent 4,064,062 issued to Yurko. Applicants respectfully traverse this rejection. Yurko does not disclose a composition comprising an activated zeolite and a surfactant, as required by Applicants' amended claim 1. Therefore, the reference cannot anticipate Applicants' claimed invention.

The Rejection under 35 U.S.C. 102 - Pan et al.

Claims 1 and 2-15 have been rejected under 35 U.S.C. 102(b), as being anticipated by U.S. Patent 5,691,303 issued to Pan et al. Applicants respectfully traverse this rejection. Applicants' Claim 1 clearly requires that "a carpet, upholstery, rug, or curtain" is contacted with the composition comprising an activated zeolite and a surfactant. Pan et al. do not disclose contacting their composition with any of the claimed fabrics. Therefore, the reference cannot anticipate Applicants' claimed invention.

The Office Action states that "this reference meets all material limitations of the claims at hand." Applicants respectfully contend that this is not the case. Applicant's Claim 1 is a process involving contacting specific materials with a specific composition. The material limitations of the claim involve both the materials contacted and the composition. Since Pan et al. do not disclose the specific materials, they cannot anticipate the claimed process.

The Rejection under 35 U.S.C. 103(a) over Costa et al.

Claims 1 and 3-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Statutory Invention Registration H1468 published in the name of Costa et al.. Applicants respectfully traverse this rejection. The reference does not establish a *prima facie* case of

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obviousness since it does not teach or suggest all of Applicants' claim limitations. Specifically, Costa et al. do not teach or suggest a process for treating a carpet, upholstery, rug, or curtain.

Costa et al. disclose detergent compositions for use in laundering fabrics in a washing machine (see Col. 23, lines 11-20). Costa et al. use zeolites as detergency builders to assist in controlling mineral hardness and in the removal of particulate soils. Costa et al. do not discuss treating a carpet, upholstery, rug, or curtain. Furthermore, there is no evidence that the detergency builders in Costa remove at least one of the following from the fabric: at least a portion of a spot, at least a portion of a stain, or at least some malodors. This is a required element of Applicants' claimed process. Therefore, Applicants contend that Costa et al. do not establish a *prima facie* case of obviousness since they doesn't disclose an element of Applicants' claimed invention (see MPEP 2143.03).

The Rejection under 35 U.S.C. 103(a) over Calton et al.

Claims 1 and 3-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,068,665 issued to Calton, et al. Applicants respectfully traverse this rejection. The reference does not establish a *prima facie* case of obviousness since it does not teach or suggest all of Applicants' claim limitations. Specifically, Calton et al. do not teach or suggest using a surfactant, as required in Applicants' amended Claim 1.

Calton et al. do not teach the use of surfactants in their stain removing composition. Applicants have found that the presence of a surfactant in Applicants' composition when employed in the process of treating a fabric according to the present invention contributes to the excellent cleaning performance on various types of soils including diffuse soils (e.g., particulate and/or greasy soils) that tend to accumulate in the so called "high traffic areas" but also in delivering good cleaning performance on other types of stains or soils, i.e., proteinic stains like blood.

Applicants' independent claim 1 requires the presence of a surfactant in the composition. Calton et al. do not disclose the use of surfactants or suggest any benefits that may result from the use of surfactants. Therefore, Calton et al. do not establish a *prima facie* case of obviousness since they doesn't disclose an element of Applicants' claimed invention (see MPEP 2143.03).

The Rejection under 35 U.S.C. 103(a) over Gioffre et al.

Claims 1 and 3-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,592,855 issued to Gioffre et al.. Applicants respectfully traverse this rejection. The

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reference does not establish a *prima facie* case of obviousness since it does not teach or suggest all of Applicants' claim limitations. Specifically, Gioffre et al. do not teach or suggest using a surfactant, as required in Applicants' amended Claim 1.

Gioffre et al. do not teach the use of surfactants in their effervescent composition. Applicants have found that the presence of a surfactant in Applicants' composition when employed in the process of treating a fabric according to the present invention contributes to the excellent cleaning performance on various types of soils including diffuse soils (e.g., particulate and/or greasy soils) that tend to accumulate in the so called "high traffic areas" but also in delivering good cleaning performance on other types of stains or soils, i.e., proteinic stains like blood.

Applicants' independent claim 1 requires the presence of a surfactant in the composition. Gioffre et al. do not disclose the use of surfactants or suggest any benefits that may result from the use of surfactants. Therefore, Gioffre et al. do not establish a *prima facie* case of obviousness since they doesn't disclose an element of Applicants' claimed invention (see MPEP 2143.03).

It is submitted that Claims 1 and 3-18 are in condition for allowance. Early and favorable action on all claims is therefore requested.

If the next action is other than to allow the claims, the favor of a telephonic interview is requested with the undersigned representative.

Respectfully submitted,

FOR: Luigi (nmn) Pace, et al.

By: 

Brent M. Peebles
Attorney for Applicants
Registration No. 38,576
(513) 627-6773

July 23, 2004
Customer No. 27752